

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

February 29, 2000

FROM: MANUEL AHUERO, Director
Real Estate Services Department

SUBJECT: **LICENSE AGREEMENT FOR FLOOD CONTROL DISTRICT LAND IN COLTON AND SAN BERNARDINO**

RECOMMENDATION:

1. Acting as the governing body of the San Bernardino County Flood Control District ("DISTRICT"), approve the license agreement with Santa Ana Watershed Project Authority (SAWPA), the City of San Bernardino, City of San Bernardino Municipal Water District and the City of Colton for use of approximately 7.1 acres of DISTRICT's right-of-way in Rialto Channel, Twin Creek Channel, Warm Creek, Santa Ana River and Rancho Avenue Storm Drain in the cities of Colton and San Bernardino.
2. Acting as the governing body of the DISTRICT, authorize Real Estate Services Department Property Manager, on behalf of the DISTRICT, to accept the interest in a 1.79 acre parcel described in the deed in lieu of license fees under the license agreement.

BACKGROUND INFORMATION: On July 15, 1994, the DISTRICT issued a permit to SAWPA for the construction of a 36" Rapid Infiltration Extraction (RIX) pipeline and a 54" Santa Ana Regional Interceptor (SARI) pipeline along the DISTRICT's right-of-way in the Rialto Channel, Twin Creek Channel, Warm Creek, Santa Ana River and Rancho Avenue Storm Drain in the cities of Colton and San Bernardino. SAWPA is the owner of the SARI pipeline and is the representative for the cities of San Bernardino and Colton for the construction of the RIX pipeline. The pipelines are located in a adjacent 15 foot wide by 20,606 foot long strip of land adjacent to the DISTRICT's right-of-way. The pipelines became operational March 1, 1996. SAWPA and the cities, (collectively "Licensee") agreed to enter into a license agreement with the DISTRICT that sets forth their obligations to operate and maintain the RIX/SARI pipelines on the DISTRICT's right-of-way .

Real Estate Services Department (RESA) negotiated a 50 year license agreement with two (2) ten-year options to extend the term of the license. The agreement provides for joint use of the land by the DISTRICT and Licensee. The Licensee is required to maintain its facilities, provide annual inspection reports to the DISTRICT, indemnification and adequate insurance for its facilities. In lieu of license fees for the agreement, SAWPA proposed to transfer title to a 1.79 acre of land owned by SAWPA and being utilized by the DISTRICT. RESA determined the value of the parcel is just compensation for the Licensee's use of DISTRICT's property under the license agreement.

REVIEW BY OTHERS: This license agreement has been reviewed by the DISTRICT and Risk Management; and approved as to legal form by Deputy County Counsel Charles S. Scolastico on February 10, 1999.

FINANCIAL IMPACT: In lieu of license fees, SAWPA will transfer title to 1.79 acres to DISTRICT.

SUPERVISORIAL DISTRICT: 5

PRESENTER: Manuel Ahuero

JL: x7-2783 mm: x7-2793

Record of Action of the Board of Supervisors